

June 4, 2025

VIA ECF

Honorable Michael E. Farbiarz  
United States District Judge  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Newark, New Jersey 07101

**Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)**

Dear Judge Farbiarz,

In anticipation of today's filing in further support of Petitioner's motion for a preliminary injunction, *see* ECF 275 and 272, Petitioner seeks to file under seal and further designate one piece of evidence—a highly sensitive expert psychological assessment of Mr. Khalil by Dr. Andrew Rasmussen—under an Attorneys' Eyes Only (AEO) designation. Petitioner believes it is common to designate such sensitive information as AEO, but the need is heightened in such a high-profile case alleging retaliation and where some of the Respondents have singled out Mr. Khalil for disparaging remarks.

Petitioner has been communicating with government counsel in an effort to seek an agreement on such designation, and with the limited time available to continue to meet and confer before the filing deadline, government counsel has represented its position as follows:

The government will provide its position on the motion for a protective order after seeing the report. This way, the government can first see whether the proposed meet-and-confer process unduly burdens counsel in preparing an adequate response to Petitioner's arguments raised in the supplemental brief. Until then, the government agrees to limit distribution of the document to: (1) counsel who have noticed their appearance; and (2) six other Department of Justice attorneys within the Civil Division who are assigned to this action. Government counsel will not distribute the report nor its contents to the agencies without conferring with Petitioner's counsel.

Given Petitioner's deadline in a matter of hours, Petitioner respectfully requests that the Court enter the attached Confidentiality Order. Or given the government's representation to counsel that it will not distribute the "report or its contents" without conferring with Petitioner—leaving an opportunity for Plaintiffs to seek the Court's relief should the government ultimately seek to distribute the Report—the Court could await the government's response to Petitioner's request before issuing such an Order.

Respectfully submitted,

/s/ Baher Azmy

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